

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Dara Dinner on 7-15-09.

The application has been amended as follows:

Claim 7 (amended): Page 3, lines 7-8, delete:

**“4-(2,4-Difluoro-phenyl)-6-(4-fluorophenylamino)-2-methylsulfanyl-pyrimidine-5-carbaldehyde;”**

The amendment is necessary to overcome the double patenting (ODP) rejection with US 7,314,934 B2.

***Allowable Subject Matter***

Applicant's amendment and terminal disclaimer of 4-14-09 has been considered. The cancellation of claims 3-6 has overcome the rejection of 112/1<sup>st</sup> paragraph. The terminal disclaimer has also obviated the ODP rejection. Thus, there is no outstanding rejection, and pending claims 1, 2 and 7-11 are allowed.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The invention is drawn to compounds of substituted 8H-pyrido-[2,3-d]-pyrimidin-7-one as recited in claim 1, and substituted pyrimidine-5-carbaldehyde as recited in claim 7. The compounds in claim 1 have been allowed in US'881 which has a terminal disclaimer. The one species in claim 7 which is an obvious variant of a compound in US'934 is deleted by the above Examiner's Amendment. There is no prior art teaches or fairly suggested these claimed compounds and pharmaceutical composition thereof. Thus, the compounds of claim 1 are novel as has been found in US'881, and the compounds of claim 7 are not anticipated or not rendered obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1624

***Information Disclosure Statement***

The IDS of 4-14-09 has been considered. However, there is no name on foreign documents. Applicant is advised to submit a complete 1449 form with names cited for all foreign documents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMTHOM N. TRUONG whose telephone number is (571)272-0676. The examiner can normally be reached on M, T and Th (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamthom N. Truong/  
Examiner, Art Unit 1624

**/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624**

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7-16-09